

# Court of Appeals, State of Michigan

## ORDER

Arletha Anderson MD PC v Dr Malaz Alatassi

Docket No. 274908

LC No. 06-617578-CK

Christopher M. Murray  
Presiding Judge

Kurtis T. Wilder

Brian K. Zahra  
Judges

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The Court orders that the motion to file a reply to the answer is GRANTED.

In lieu of granting the application for leave to appeal, the motion for peremptory reversal is GRANTED. Pursuant to MCR 7.205(D)(2), the November 9, 2006, order of the Wayne Circuit Court granting partial summary disposition to defendant is hereby REVERSED in part. The record before this Court demonstrates that genuine issues of material fact exist regarding the parties' contract. In considering the evidence submitted by the parties in a light most favorable to the nonmoving party, defendant has not shown that he is entitled to judgment as a matter of law at this juncture on plaintiffs' breach of contract claim. See *Maiden v Rozwood*, 461 Mich 109, 119-120; 597 NW2d 817 (1999), reh den 461 Mich 1206 (1999). The case is REMANDED to the circuit court for further proceedings consistent with this order.

This order is to have immediate effect, MCR 7.215(F)(2).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 02 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk